

**ZB# 08-02**

**Seymour Borden**

**35-1-54.12**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Closed Aug 08*

08-02  
Seymour Borden - Sten  
294 Windsor Hwy - 35-1-2

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: 10/29/07**

**APPLICANT: Seymour Borden  
294 Windsor Highway  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/26/07**

**FOR: Seymour Borden**

**LOCATED AT: 294 Windsor Highway, New Windsor, NY 12553**

**ZONE: C     Sec/Blk/ Lot: 35-1-54.12**

**DESCRIPTION OF EXISTING SITE: Carpet Mill Outlet, 2<sup>nd</sup> Wall Sign**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. 300-45 permitted accessory signs, A2 façade signs. 1 permitted 2.5' x 10'. Existing 2<sup>nd</sup> façade sign  
11.9' x 30' requires a variance for 1 additional sign, 9.4' height and 20' width.**

**COPY**

  
**BUILDING INSPECTOR**

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: C	USE:		
SIGN:			
FREESTANDING:			
HEIGHT:	2.5'	11.9'	9.4'
WIDTH:	10'	30'	20'
WALL SIGNS:	1	2	1
TOTAL ALL SIGNS:			
FEET FROM ANY LOT LINE:			

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certificate for plan. Building must be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

**RECEIVED**

OCT 26 2007

**BUILDING DEPARTMENT**

FOR OFFICE USE ONLY:  
Building Permit # 2007-932

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR**  
**ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Seymour Borden

Address

294 Windsor Hwy

Phone #

562-0234

Mailing Address

New Windsor NY 12553

Fax #

562-0293

Name of Architect

Address

Phone

Name of Contractor Awnings FX

Address 2435 Route 32 New Windsor NY Phone 566-4000

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. Kenneth Borden, President  
(Name and title of corporate officer)

1. On what street is property located? On the West side of Rt 32  
(N, S, E or W)  
and 900 feet from the intersection of Willow Ave

2. Zone or use district in which premises are situated Commercial Is property a flood zone? Y N ☒

3. Tax Map Description: Section 35 Block 1 Lot 54.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy retail sales b. Intended use and occupancy Same

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? No sign existing

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Flooring Covering

10. Estimated cost \_\_\_\_\_ Fee \$50-

Ch # 5857

**PAID**

date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors: Frank Liel & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

84 SHERBORN DRIVE MIDDLETOWN NJ 08940  
(Address of Applicant)

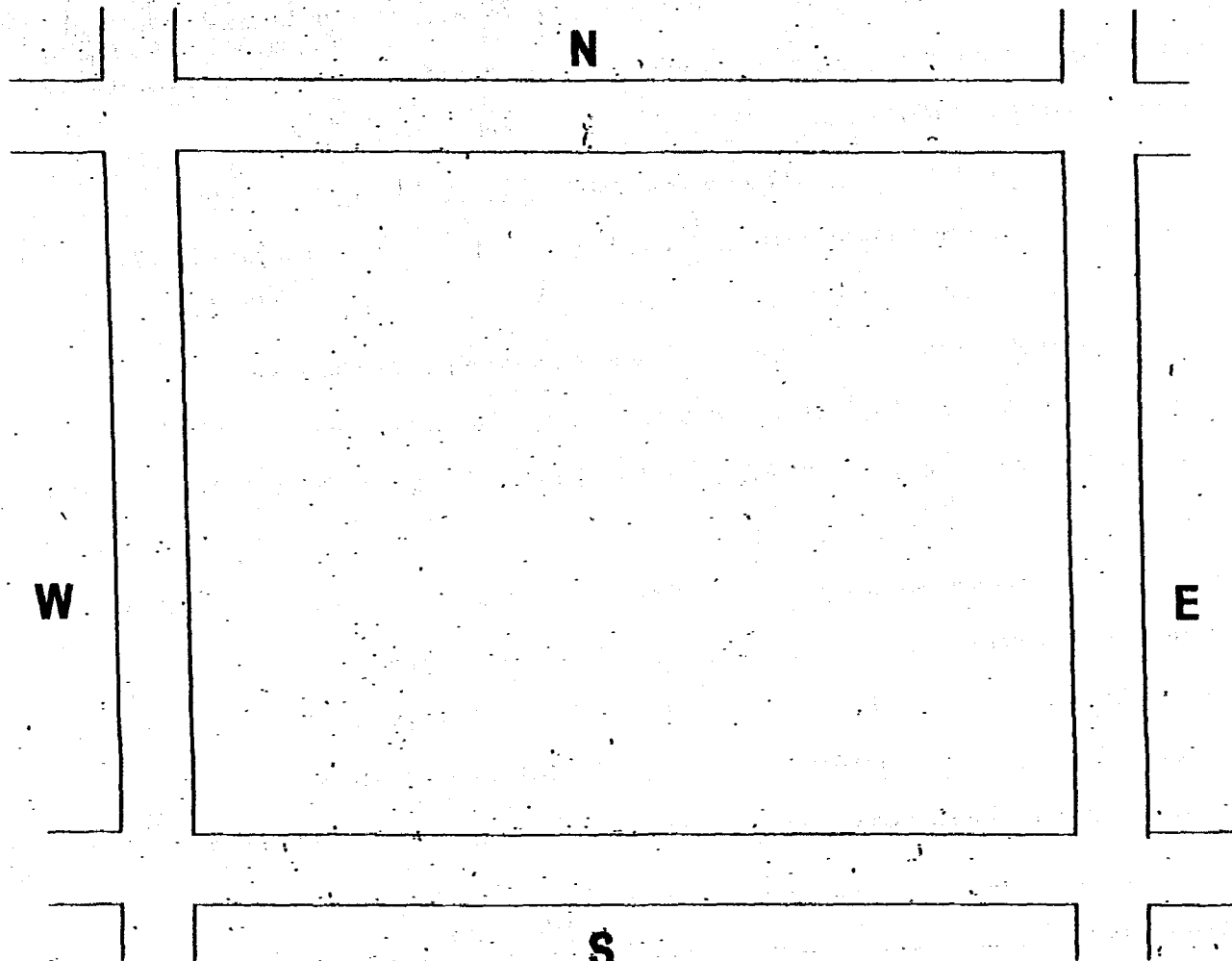
(Owner's Signature)

(Owner's Address)

**PLOT PLAN**

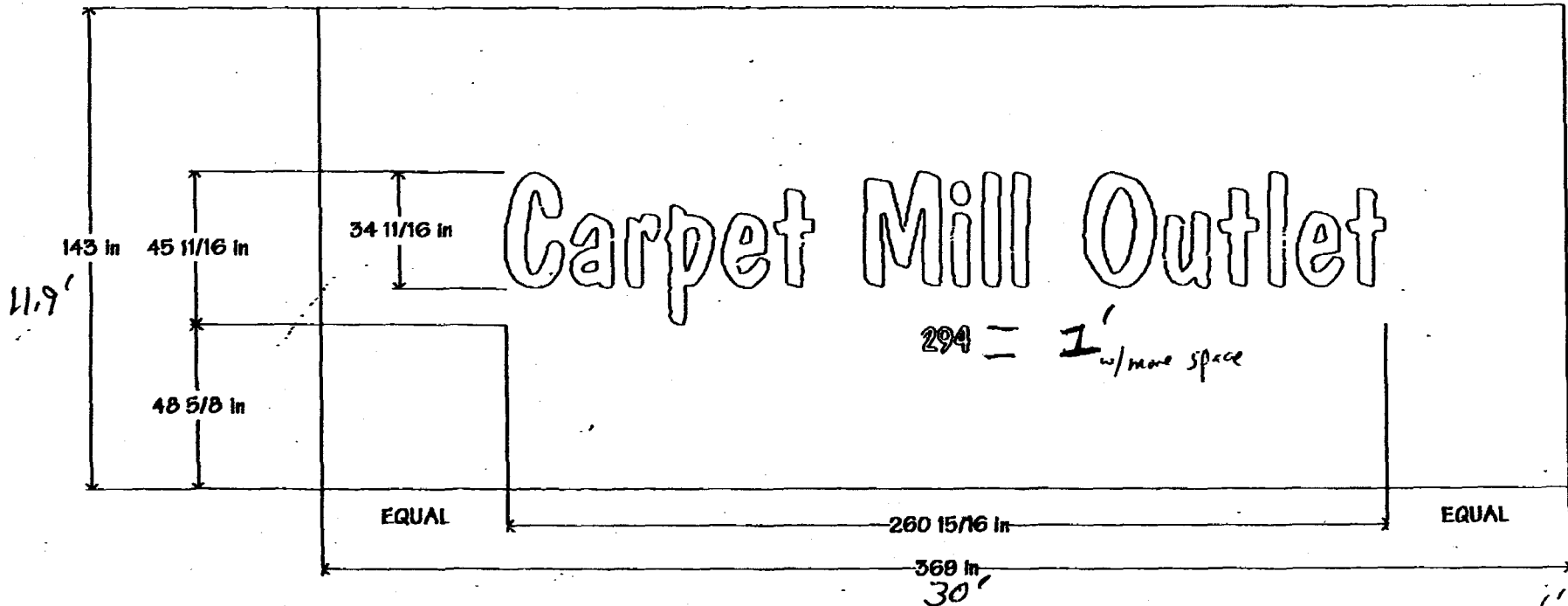
**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SCALE: 1/4" = 1'0"



\* Please make . 294 1' high instead of 8' and a little bit of space between the numbers

Please check over this drawing carefully, checking for placement, letterstyle and sizes. If approved please sign, date and return the drawing via fax @ 859.442.8005 so that we may proceed with production. If changes are necessary, please note the changes and fax back for a revised drawing.

PLEASE UNDERSTAND, YOU MUST SIGN, DATE & RETURN ALL DRAWINGS VIA FAX BEFORE ANY WORK WILL CONTINUE ON YOUR PROJECT FROM THIS POINT (VERBAL APPROVALS ARE NOT ACCEPTABLE). THIS IS OUR UNDERSTANDING THAT YOU HAVE APPROVED WHAT WE HAVE SUBMITTED FOR PRODUCTION.

FAXED TO THE ATTN OF: Dave Brown Jr. ☐ APPROVED AS SUBMITTED

AUTHORIZED BY: [Signature]

NUMBER OF PAGES: 1 ☒ APPROVED WITH CHANGES NOTED

NUMBER OF PAGES: 1

DATE FAXED TO CLIENT: 7.10.02 ☐ NOT APPROVED, CHANGE & RESUBMIT

DATE FAXED TO KRAUSS: 7/10/02

SECTION 38

62 10.6A(C) LINES  
V-6 R.T. NO. 15  
FRIEDMAN  
5  
112  
30.6A  
82  
CENTRAL WATER  
DISTRICT  
1  
44 3A  
53.22 2A  
43 1.7A  
45 2A(C)  
47 1.2A  
48 1.2A  
49 1.2A  
50 1A  
51 1.6A  
52 3A

SEE SECTION 86  
(CONDO SITES)

SECTION 42

SECTION 45

SECTION 49

61  
13.7A  
Common School  
Dist. No. 3

Boagline Sub  
127.9  
70.3  
(3)  
120.8  
Foster  
12

E 816,500  
N 958,500

Y-NEW YORK

TOWN

Section

of Revision

3-1-03

Technician

**From:** 8452221333@messaging.nextel.com

**To:** Heypinto@aol.com

**Subject:** Feb02\_0006

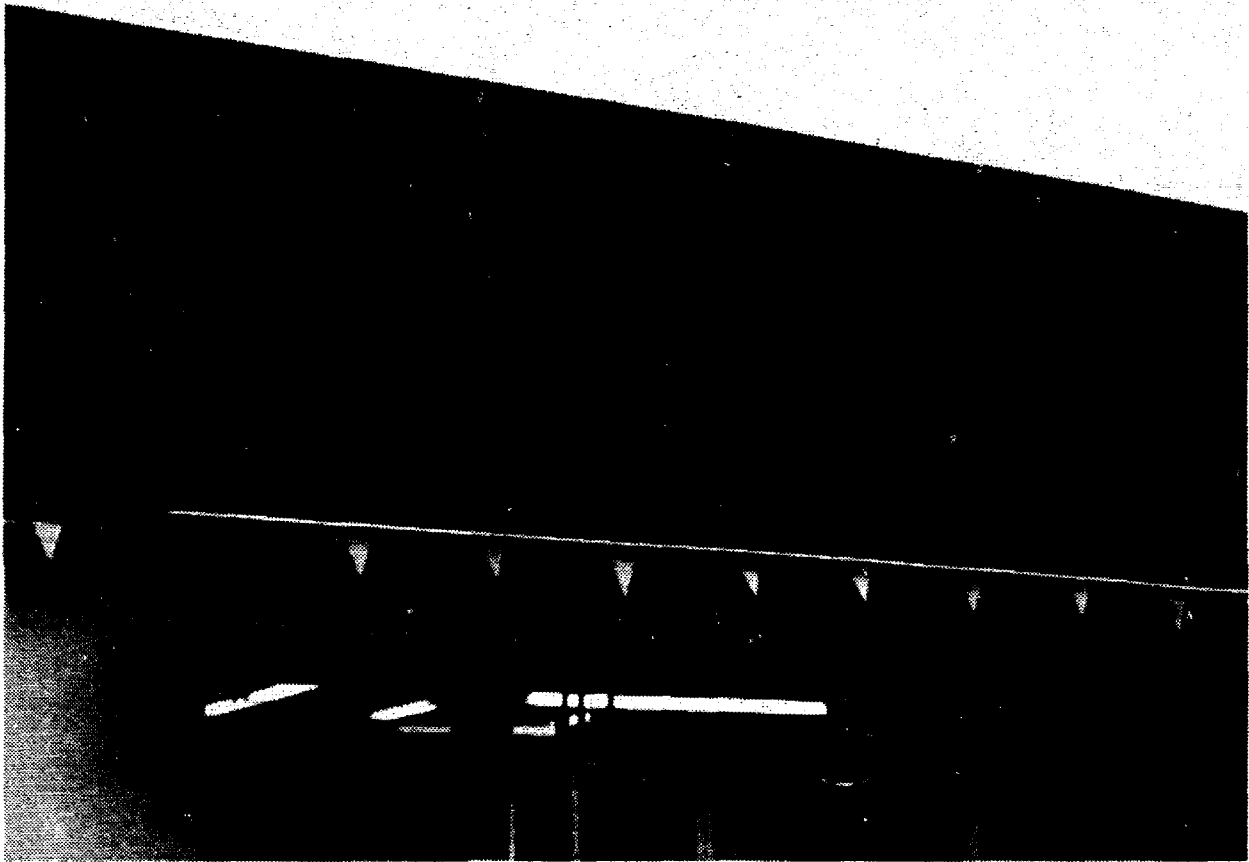
**Date:** Sat, 2 Feb 2008 10:26 am

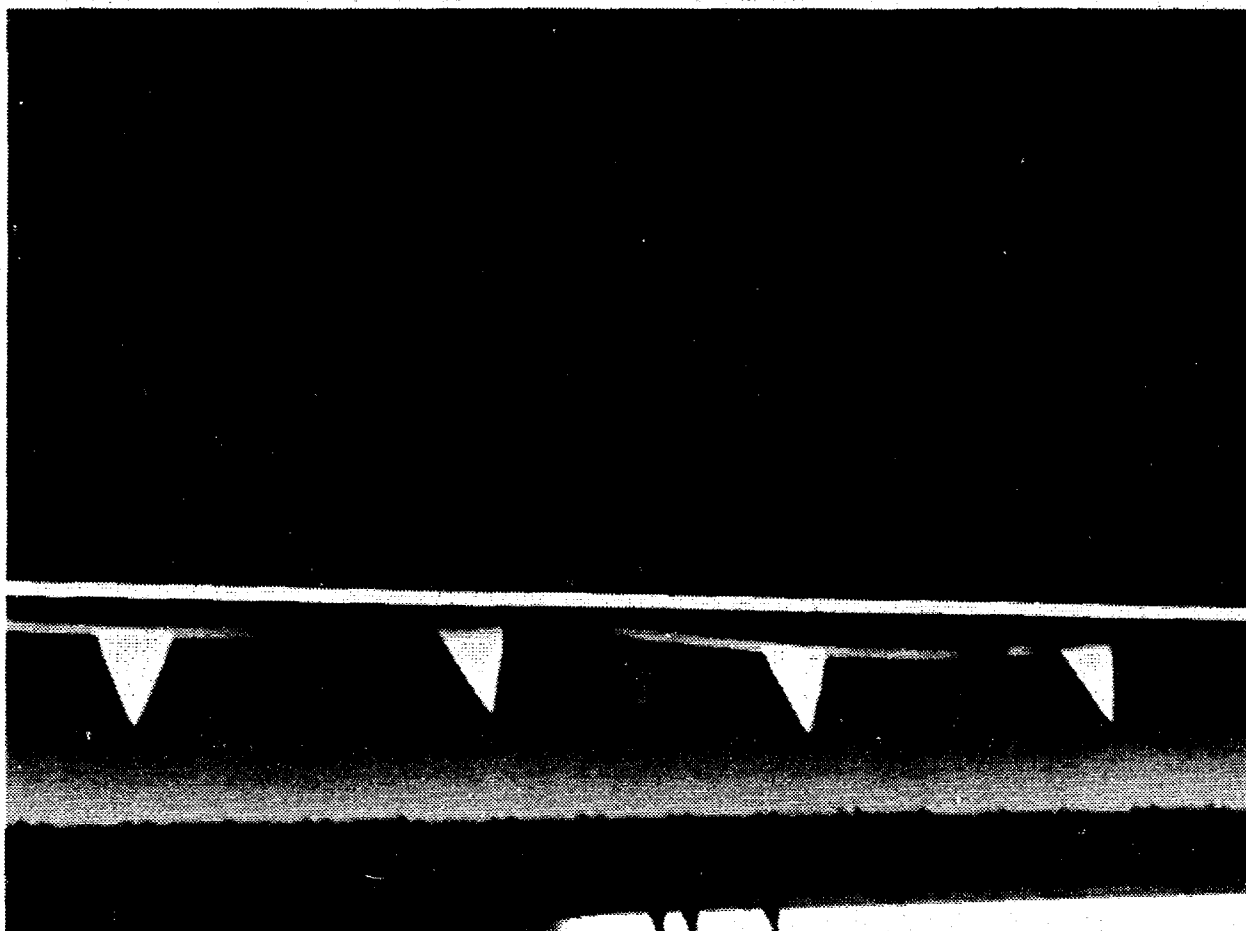
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**From:** 8452221333@messaging.nextel.com

**To:** Heypinto@aol.com

**Subject:** Feb12\_0002.jpg

**Date:** Tue, 12 Feb 2008 7:45 am

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NEW WINDSOR ZONING BOARD OF APPEALS

SBL: (35-1-54.12)

In the Matter of the Application of  
**SEYMOUR BORDEN (Carpet Mill Outlet)**

MEMORANDUM OF  
DECISION GRANTING

CASE #(08-02)

**WHEREAS, Seymour Borden and son, Kenneth Borden**, owner(s) of 294 Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

SIGN            9.4 ft. Height  
                    20 ft. Width  
                    1 – Additional wall sign

All at 294 Windsor Highway in a C Zone (35-1-54.12)

**WHEREAS**, a public hearing was held on February 25, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application. The Board did receive two letters; one in favor of and one opposed to the application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located on a busy commercial highway in a neighborhood of commercial properties in an C zone.



- (b) The applicant placed on his property, an awning on which was contained additional signage. The purpose of this application is to allow that signage to remain.
- (c) The signage contains no flashing illumination. Its sole source of illumination is a steady light from beneath the awning.
- (d) The business is already identified by allowed signage on the building and an allowed free-standing sign in front.
- (e) The sign is approximately 60 feet from the travelled portion of the adjacent highway.
- (f) The position of the Town of New Windsor is that because a façade sign is allowed and the applicant merely seeks an increase in the number of signs, the proper standard is that for an area variance.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for:

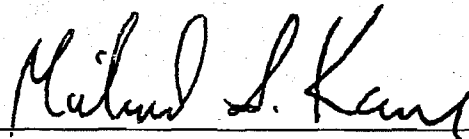
SIGN  
9.4 ft. Height  
20 ft. Width  
1 – Additional wall sign

All at 294 Windsor Highway in a C Zone (35-1-54.12) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: February 25, 2008

A handwritten signature in black ink, appearing to read "Michael S. Kung", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 04-14-08**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 341.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #08-02**

**NAME & ADDRESS:**

**Carpet Mill Outlet  
294 Windsor Highway  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.04-14-08**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #08-02      TYPE:SIGNTELEPHONE:      562-0234

**APPLICANT:**

Seymour Borden  
294 Windsor Highway  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>5924</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      COMMERCIAL \$500.00      CHECK # 5925



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>35.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>6</u>	PAGES	\$ <u>42.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:02-15-08      \$ 11.50

TOTAL:	\$ <u>88.50</u>	\$ <u>70.00</u>
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ESCROW POSTED:      \$ 500.00  
LESS: DISBURSEMENTS:      \$ 158.50

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 341.50

Cc:

J.F. 04-14-08

January 28, 2008

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PRELIMINARY MEETINGS:

SEYMOUR BORDEN\_ (CARPET MILL OUTLET)\_ (08-02)

MR. KANE: Preliminary meeting, Seymour Borden, Carpet Mill Outlet, request for sign, 9.4 foot height, 20 foot width and one additional wall sign all at 294 Windsor Highway.

Mr. Keith Borden and Mr. Seymour Borden appeared before the board for this proposal.

MR. KANE: I will say this for the preliminary member what we do in New Windsor is we hold two meetings, one prelim and one public. By law in New York State all our decisions have to be made at the public hearing. Some towns hold one meeting and if you're not prepared when you walk in you don't have everything you need they vote on what you have and you lose. We do it a little bit differently here so what this is is a very preliminary idea, we'll tell you what we need and you'll tell us what you want to do. We'll hash it out and set you up for a public hearing. So come forward, speak loudly enough for the young lady over here to hear you.

MR. S. BORDEN: We don't want to do anything that's not already done.

MR. K. BORDEN: When we put our addition on the building we had the permit. At the last minute our awning man said would you like to have your sign Carpet Mill Outlet in one of the panels. Not thinking we had it done. And we also added in large letters 294 cause the fire department at that time wanted the building labeled. We thought it would be a good idea, kill two birds with one stone, not realizing when we went to do a refinancing we had no idea. So we're appealing to the Town of New Windsor if they would let us uncover our sign.

January 28, 2008

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MR. KANE: Basically what happened the awning you had your name put on it not thinking that would be considered quote unquote a sign, that's why you're here, okay. Is the, is it illuminated in any way?

MR. S. BORDEN: Backlighting meaning the wall has some backlighting.

MR. KANE: Nothing flashing?

MR. K. BORDEN: No.

MR. KANE: No hindrance to the vehicles driving up 32 one way or the other?

MR. K. BORDEN: Not at all.

MR. S. BORDEN: It's set back.

MR. KANE: How long has it been up?

MR. K. BORDEN: Five years.

MR. BABCOCK: Mr. Chairman, can I just add that when we did the denial like I normally see we do the entire thing, the sign, the C in Carpet is actually 34 and 11/16 inches high but the entire sign that we have down as 11.9 feet high, the C is three foot.

MR. KANE: Right, the lettering, do you guys, you can see what he's talking about?

MR. BEDETTI: Yes.

MR. KANE: So what the building department usually does with a sign is they'll square it out all the way even though if it's cut out or whatever they don't do every intricate measurement just square it and give us those dimensions.

January 28, 2008

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MR. BEDETTI: How many signs do you actually have there now?

MR. S. BORDEN: On the front of the building on the awning you have, I've got one sign on the painted side of the building, I've got underneath the awning I've got some, don't get stuck, with a picture of a bumble bee.

MR. BEDETTI: You have a freestanding sign?

MR. S. BORDEN: Yes.

MR. BEDETTI: So this represents the third sign, is that correct?

MR. K. BORDEN: It would be like two on the building, the one in question and the one that we have and the freestanding sign.

MR. BEDETTI: Now, do you have variances on any of the other ones, is that a wall sign?

MR. S. BORDEN: Everything else has been approved.

MR. BABCOCK: Yes.

MR. BEDETTI: That's the only question.

MS. LOCEY: This is the second sign?

MR. BABCOCK: Well, it's one of two wall signs, that's what we're doing, the freestanding sign is the third sign which we won't talk about tonight that's already been done so what the extra sign is the code says he's allowed one wall sign so he needs an additional variance to have an additional to make it two and then also the size of the sign.

January 28, 2008

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MR. KANE: And the size of it right so just the awning itself by putting your name became a sign.

MR. BABCOCK: We're giving you the size of entire awning as if it's a background.

MR. KANE: I understand. When you come back for the public hearing, just bring if you can pictures of the awning from the road.

MR. K. BORDEN: Sure.

MR. KANE: Have there been any complaints formally or informally about it?

MR. S. BORDEN: No.

MR. BABCOCK: Mr. Chairman, we made him cover the sign because he's not allowed to have it.

MR. KANE: Give us a picture of the awning.

MR. K. BORDEN: Okay, it's right over the front door.

MR. KANE: Any further questions?

MR. BEDETTI: No.

MS. LOCEY: No.

MR. KANE: I will accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Mr. Borden on the request 8-02 for a variance as requested.

MS. LOCEY: I'll second that motion.

ROLL CALL



January 28, 2008

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MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

SEYMOUR\_BORDEN\_(CARPET\_MILL\_OUTLET)\_(08-02)

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Mr. Seymour Borden and Mr. Kenneth Borden appeared before the board for this proposal.

MR. KANE: Request for 9.4 foot height, 20 foot width and one additional wall sign all at 294 Windsor Highway. Similar to the preliminary, tell us what you want to do, explain what happened with the quote unquote sign.

MR. S. BORDEN: The sign, we covered it up as per your request.

MR. K. BORDEN: It was not in the original plan that was sent to you, it was an afterthought and we put it up unknowing, unbeknownst to us and then we found out through a, when the refinancing took place the title company said notify the town that we were in violation so we covered it up as we were told and now we're here to see if we can uncover it.

MR. KANE: Okay, the sign illuminated in any way?

MR. S. BORDEN: Just backlights.

MR. KANE: No flashing illumination?

MR. S. BORDEN: No, nothing like that.

MR. KANE: And Mike basically the size, the requested variance has to do with the awning itself and not the actual lettering that's on the awning?

MR. BABCOCK: Well, what we did is we took a big square of what's there and, you know, called it a sign because it's got their name on it, I guess if it had, you know, that was the issue, they didn't realize that it would constitute a sign, put a canopy up, canopy company called them said hey, listen, do you want your sign in

this thing? Sure, why not. They put it in not realizing that it was a sign until we advised them that it was.

MR. K. BORDEN: And the number for the fire department.

MR. KANE: Approximately how many feet off the highway would you say the sign is?

MR. S. BORDEN: Sixty feet, Mike?

MR. BABCOCK: Yeah, probably 60 feet.

MR. KANE: We'll open it up to the board for any questions.

MR. BEDETTI: I have a question. How many signs do you currently have at that business? I assume it's just one business in that building?

MR. K. BORDEN: Yes, we have the one freestanding.

MR. S. BORDEN: Then we have painted on the wall we have like a bumble bee says don't get stung.

MR. BEDETTI: Now, the freestanding sign actually has compartments, actually three signs that you utilize all three of those signs--

MR. K. BORDEN: That's the one you see from the highway as you're passing the highway.

MR. S. BORDEN: And temperature is on the top of it.

MS. LOCEY: This is for an additional sign on the building, correct?

MR. K. BORDEN: Correct.

MR. KANE: Basically.

February 25, 2008

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MS. LOCEY: Freestanding sign is irrelevant.

MR. KANE: It's irrelevant.

MR. TORPEY: This is just an awning that happened to have a name on it.

MR. KANE: Exactly, that's what it comes down to an awning with a name on it. At this point then I'll open it up to the public and ask if anybody is here for this particular hearing? I'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On February 12, I mailed out 26 addressed envelopes and had two responses.

MR. S. BORDEN: One good one.

MR. KANE: I have two responses I'll read. "Dear Sirs: Since I will not be able to attend the public hearing on February 25, 2007 regarding appeal no. 08-02, I would like to take this opportunity to state that I am in favor of the variance. In all the twenty plus years Seymour Borden and I have been neighbors owning business establishments across the road from each other I can attest to the fact that he has been successful because he runs a clean, orderly and quality operation that he takes pride in and that he always tries to make even better. Thank you for letting me be heard. Sincerely yours, Leonard G. Bakker." The next one Leone Properties, LLC, P.O. Box 141, Central Valley, New York. "Gentlemen: In response to your notification of a public hearing for Seymour Borden (Carpet Mill Outlet) 294 Windsor Highway for a variance for a sign, please be advised that I object to the town granting such a variance. As a property owner in the C zone, I must abide by the zoning laws that govern my property. These laws and codes were instituted to assure that there is some conformity when it comes to

the appearance of these properties. Route 32 is a heavily traveled road and the building in question is highly visible as it stands. It is a very big yellow building which is hard to miss. There is already a large sign which draws attention to the property. An additional sign of such size is not necessary. Once again I am against the Town granting a variance for Seymour Borden. The current codes provide for signs that are more than adequate for the building. This is not a hardship case and the granting of a variance would open the doors for everyone in this district to make such requests. This would defeat the purpose of the zoning codes that are currently in place. Sincerely, Leone Properties, LLC, Raffaele Leone."

MS. LOCEY: What property does he own?

MR. KANE: He doesn't say.

MR. BABCOCK: He owns the, he rents to the state, they have a facility up the street up towards Vails Gate maybe two buildings up. It's a state, I don't want to call it a rehabilitation, I don't really know exactly.

MS. LOCEY: Closer to Vails Gate?

MR. BABCOCK: Yeah, closer to Vails Gate across the street.

MR. TORPEY: Like a disability.

MR. BABCOCK: Yeah, it's people with disabilities.

MS. LOCEY: A group home.

MR. BABCOCK: They don't stay there, they don't live there, they go there for functions.

MR. KANE: Well, I think personally if they understood we're not talking a sign of that size we're really, you

know, it's a unique situation and that we're talking the awning and the awning happened to have the printing on it, that's my take on that particular letter. Okay, we already asked how many mailings.

MS. MASON: Yes.

MR. KANE: Okay, we'll bring it back to the board for further questions from the board. Anything further?

MR. BEDETTI: I just have a comment. You said that the standing signs were irrelevant. My understanding of the code says that, you know, any establishment is entitled to one sign plus a facade sign.

MR. KANE: One freestanding sign.

MR. BEDETTI: And the freestanding sign has segments in it that, you know, that they're utilizing all the segments of the sign so I mean I'm thinking they've got four signs already and they're asking for essentially--

MR. KANE: They have one freestanding sign, how they divide that up--

MR. BEDETTI: And there are other freestanding signs along 32 that have more than one business and each business takes a compartment of that freestanding sign.

MR. KANE: Right.

MR. BEDETTI: So, you know, you view it as one sign, I view it as three signs.

MS. LOCEY: But this variance if someone's objected to that and they were brought back here for us to determine if we thought that was one sign or three, it's a separate matter than what they're here for this evening. They're here because the zoning law prohibits two signs on the building and so they're here to ask

for a variance so that the awning that's already in place with their sign on it which is considered a second sign will then comply if we grant a variance. If someone has a problem with their freestanding sign this is a separate issue, that's why I said that.

MR. BEDETTI: I have no questions relative to the freestanding sign other than the fact that it is included in the total number of signs that's allowed for a business, that's my point.

MR. KANE: Okay.

MR. BEDETTI: I'm not objecting to their freestanding sign.

MR. KANE: I know, you can't, it's legal.

MR. BEDETTI: I understand. I didn't want anybody to assume that that's what I was questioning.

MR. KANE: Okay, any further questions?

MR. BEDETTI: No, I'm good.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Seymour Borden as detailed on the Zoning Board of Appeals agenda dated February 25, 2008.

MR. TORPEY: I'll second it.

ROLL CALL

MR. BEDETTI	NO
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
2/25/2008	1229

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
MYRA		

Issue Date	Description	Rate	Amount
2/15/2008	LEGAL ADS: APPEAL NO. 08-02 BORDEN	7.50	7.50
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	<b>\$11.50</b>



**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition: Appeal No. (06-02) Request of SEYMOUR BORDEN (Carpet Mill Outlet) for a VARIANCE of the Zoning Local Law to Permit Request for: SIGN 9.4 ft. Height 20 ft. Width. 1 - Additional wall sign All at 294 Windsor Highway in a C Zone (35-1-54.12) PUBLIC HEARING will take place on FEBRUARY 25, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.

Michael Kane, Chairman

**State of New York**

**County of Orange, ss:**

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 times(s) commencing on the 15<sup>th</sup> day of February, A.D., 2008 and ending on the 15<sup>th</sup> day of February, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 27<sup>th</sup> day of July, 2008.

Deborah Green

Notary Public of the State of New York

County of Orange

My commission expires

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 01-03-08

FOR: 08-02 ESCROW

FROM:

**Carpet Mill Outlet**  
**294 Windsor Highway**  
**New Windsor, NY 12553**

CHECK FROM:

same

CHECK NUMBER: 5925



TELEPHONE: 562-0234

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Turner 1-8-08  
NAME DATE

ZBA #08-02 ESCROW

	<b>CARPET MILL OUTLET</b> 562-0234 294 WINDSOR HWY NEW WINDSOR, NY 12553	<b>5925</b> 1-108/210
PAY TO THE ORDER OF	<u>The Town of New Windsor</u>	DATE <u>11-26-07</u>
<u>Five hundred and 00/100</u>		\$ <u>500.00</u>
		DOLLARS
 HSBC Bank USA, N.A. Vails Gate, NY 12584		
FOR <u>Escrow</u>		
⑈005925⑈ ⑆021001088⑆ 078801670⑈		

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#16-2008**

01/08/2008

Carpet Mill Outlet *ZBA #08-02*

Received \$ 150.00 for Zoning Board Fees, on 01/08/2008. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

Leone Properties, LLC  
PO Box 141  
Central Valley, NY 10917  
845-928-2106  
Fax: 845-928-6721

ZBA  
#08-02

February 25, 2008

VIA FAX 845-563-4689

Zoning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Gentlemen:

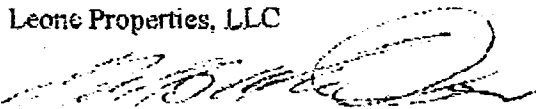
In response to your notification of a public hearing for Seymour Borden (Carpet Mill Outlet) 294 Windsor Highway, for a variance for a sign, please be advised that I object to the town granting such a variance.

As a property owner in the C Zone, I must abide by the zoning laws that govern my property. These laws and codes were instituted to assure that there is some conformity when it comes to the appearance of these properties. Route 32 is a heavily traveled road and the building in question is highly visible as it stands. It is a big yellow building, which is hard to miss. There is already a large sign which draws attention to the property. An additional sign of such size is not necessary.

Once again, I am against the Town granting a variance for Seymour Borden. The current codes provide for signs that are more than adequate for the building. This is not a hardship case and the granting of a variance would open the doors for everyone in this district to make such requests. This would defeat the purpose of the zoning codes that are currently in place.

Sincerely,

Leone Properties, LLC



Raffaele Leone

ZBA #08-02

KLJ Corporation  
P.O. Box 2  
Cornwall, NY 12518  
February 19, 2008

Mr. Michael Kane, Chairman  
Zoning Board of Appeals  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

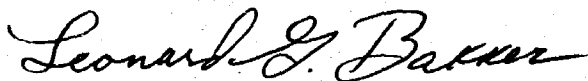
Dear Sir:

Since I will not be able to attend the Public Hearing on February 25, 2008 regarding Appeal No. 08-02, I would like to take this opportunity to state that I am in favor of the variance.

In all the twenty plus years Seymour Borden and I have been neighbors (owning business establishments across the road from each other), I can attest to the fact that he has been successful because he runs a clean, orderly, and quality operation that he takes pride in and that he always tries to make even better.

Thank you for letting me be heard.

Sincerely yours,



Leonard G. Bakker



RESULTS OF Z.B.A. MEETING OF: February 25, 2008

PROJECT: Carpet Mill - Seymour Border ZBA # 08-02  
P.B.# \_\_\_\_\_



**USE VARIANCE:**

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: <sup>2 responses</sup> STATEMENT OF MAILING READ INTO MINUTES ☒  
VARIANCE APPROVED: M) Lo S) 1 VOTE: A' \_\_\_\_\_ N \_\_\_\_\_

~~VOLPE~~ \_\_\_\_\_  
BEDETTI N  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Fax responses to Fran

2- Responses: 1 in favor - 1 opposed

AGENDA DATE: February 25, 2008

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

SEYMOUR BORDEN (Carpet Mill Outlet)

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#08-02

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 12 day of February, 2008, I compared the 26 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

25<sup>th</sup> day of February, 2008

J. F. Gallagher  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. (08-02)**

**Request of SEYMOUR BORDEN (Carpet Mill Outlet)**

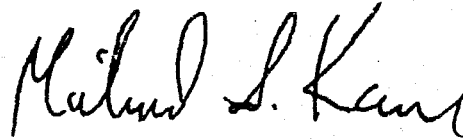
**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

**SIGN            9.4 ft. Height**  
**20 ft. Width**  
**1 – Additional wall sign**

**All at 294 Windsor Highway in a C Zone (35-1-54.12)**

**PUBLIC HEARING will take place on FEBRUARY 25, 2008**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessor's Office J. Todd Wiley, Assessor

February 08, 2008

Seymour Borden  
294 Windsor Highway  
New Windsor, NY 12553

Re: 35-1-54.12

ZBA#08-01 (26)

Dear Mr. Borden:

According to our records, the attached list of property owners are within five hundred (500 )feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/bw  
Attachments

CC: Myra Mason, ZBA

35-1-47  
Ronald Lander & Phylis Silver  
278 Windsor Highway  
New Windsor, NY 12553

35-1-48  
In Kee Hong & Hui Song  
P.O. Box 914  
Woodridge, NY 12789

35-1-50  
Stephen & Faith Kuprych  
279 Windsor Highway  
New Windsor, NY 12553

35-1-51  
Alfred & Pauline Cavallari  
283 Windsor Highway  
New Windsor, NY 12553

35-1-52  
Vito Rizzi  
3 Ashley Way  
Cornwall, NY 12518

35-1-54.21  
110 Corporate Drive, LLC  
110 Corporate Drive  
New Windsor, NY 12553

35-1-55  
Amerco Real Estate Co  
C/o U-Haul International, Inc.  
P.O. Box 29046  
Phoenix, AZ 85038

35-1-56  
Gloria's- Evan, USA, LLC  
306 Windsor Highway  
New Windsor, NY 12553

35-1-57  
Pranav Inn LLC  
310 Windsor Highway  
New Windsor, NY 12553

35-1-58  
Aliya Inc.  
115 Corporate Drive  
New Windsor, NY 12553

35-1-107 & 35-1-108  
Windsor Highway Realty Corp.  
176 New Windsor Highway  
N. Amityville, NY 11701

35-1-112  
Four Chai LLC  
2 Lake Street  
Monroe, NY 10950

38-3-63  
Jeffrey & Jasmine Perez  
3 Willow Lane  
New Windsor, NY 12553

38-3-64  
Haize & Alfred Ruger Sr.  
1 Willow Lane  
New Windsor, NY 12553

42-1-12  
William & Mary Washington  
16 Lannis Ave  
New Windsor, NY 12553

42-1-13  
HZ Realty Inc.  
293 Windsor Highway  
New Windsor, NY 12553

42-1-14  
KLJ Corp.c/o L. Bakker  
P.O. Box 2  
Cornwall, NY 12518

42-1-15  
Model Makers Museum, LLC  
297 Windsor Highway  
New Windsor, NY 12553

42-1-16  
Denmark Realty, LLC  
299 Windsor Highway  
New Windsor, NY 12553

42-1-17  
Noreen & Peter Marino  
18 Lannis Ave  
New Windsor, NY 12553

42-1-18  
Ruth Bakker  
20 Lannis Ave  
New Windsor, NY 12553

42-1-19  
Alma McKeon  
301 Windsor Highway  
New Windsor, NY 12553

42-1-20  
Robert Pavignano  
62 Woodward Ter  
Central Valley, NY 10917

45-1-1.1  
Genevieve Masloski  
24 Lannis Ave  
New Windsor, NY 12553

45-1-1.22  
Leone Properties, LLC  
348 Route 32  
P.O. Box 141  
Central Valley, NY 10917

45-1-43  
Edward & Loretta Trizinsky  
309 Windsor Highway  
New Windsor, NY 12553

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#88-2008**

02/08/2008

Carpet Mill Outlet

Received \$ 20.00 for Assessors List, on 02/08/2008. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk



RESULTS OF Z.B.A. MEETING OF: January 28, 2008

PROJECT: Seymour Border (Carpel Mill) ZBA # 08-02

P.B.# \_\_\_\_\_

USE VARIANCE:

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) L VOTE: A 3 N 0

~~VOLPE~~ \_\_\_\_\_  
BEDETTI A  
LOCEY A  
~~TORPEY~~ \_\_\_\_\_  
KANE A

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Had pictures from roadway

AGENDA DATE: January 28, 2008



**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 01-15-08 mm

DATE: 01-16-08 PROJECT NUMBER: ZBA# 08-01 P.B. # \_\_\_\_\_

APPLICANT NAME: SEYMOUR BORDEN (CARPET MILL OUTLET)

PERSON TO NOTIFY TO PICK UP LIST:

Seymour Borden  
294 Windsor Highway  
New Windsor, NY 12553

TELEPHONE: 562-0234

TAX MAP NUMBER: SEC. 35 B LOCK 1 LOT 54.12  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 204 WINDSOR HWY  
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 5926

TOTAL CHARGES: \_\_\_\_\_

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: Town of New Windsor

TAX MAP ID: 35-1-54.12  
(Section-Block-Lot)

Local File #: 08-02  
Please refer to this number in any correspondence.

Project Name: Seymour Borden (Carpet Mill Outlet)

Applicant: Seymour Borden  
Address: 294 Windsor Hwy - New Windsor

Send Copy of Letter to Applicant: (check one)  
Yes ☒ No ☐

Attorney, Engineer, Architect: \_\_\_\_\_

Location of Site: 294 Windsor Highway  
(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_ Existing Lots: \_\_\_\_\_ Proposed Lots/Units: \_\_\_\_\_

Present Zoning District: C

**TYPE OF REVIEW:**

- ☐ Site Plan (SP): \_\_\_\_\_  
☐ Special Use Permit\* (SUP) \_\_\_\_\_  
☒ Variance\* USE (UV): \_\_\_\_\_

AREA (AV): sign variance

- ☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_  
☐ Zoning Amendment To Section: \_\_\_\_\_  
☐ Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_

☐ Sketch ☐ Preliminary ☐ Final (Please indicate stage)

☐ Other Comments: \_\_\_\_\_

Date: 01-03-08

Myra Mason - ZBA Secretary  
Signature

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide - 02/27/2007

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Seymour Borden</u>		2. PROJECT NAME	
3. PROJECT LOCATION: Municipality <u>New Windsor</u> County <u>Orange</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>294 Windsor Hwy</u> <u>New Windsor, NY</u>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>Signage on existing awning</u>			
7. AMOUNT OF LAND AFFECTED: Initially <u>NONE</u> acres    Ultimately <u>NONE</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>flooring coverings warehouse</u>			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>Seymour Borden</u>		Date: <u>11-26-07</u>	
Signature: <u>[Signature]</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.  
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
☐ Yes ☒ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_

Name of Lead Agency

\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_

Title of Responsible Officer

\_\_\_\_\_

Signature of Responsible Officer in Lead Agency

\_\_\_\_\_

Signature of Preparer (if different from responsible officer)

\_\_\_\_\_

Date





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

12/30/07

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

e-mail address: heypinto@aol.com

**I. Owner Information:**

Seymour Borden  
(Name)

Phone Number: ( ) 562-0234

Fax Number: ( ) 562-0293

294 Windsor Hwy - New Windsor  
(Address)

**II. Applicant:**

Same  
(Name)

e-mail address: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

\_\_\_\_\_  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

Same  
(Name)

\_\_\_\_\_  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( ) 566-4000

Fax Number: ( ) \_\_\_\_\_

Awnings FX  
(Name)

\_\_\_\_\_  
(Address)

**V. Property Information:**

Zone: C Property Address in Question: Rt. 32 - 294 Windsor Hwy.

Lot Size: \_\_\_\_\_ Tax Map Number: Section 35 Block 1 Lot 54.12

a. Is pending sale or lease subject to ZBA approval of this Application? \_\_\_\_\_

b. When was property purchased by present owner? \_\_\_\_\_

c. Has property been subdivided previously? \_\_\_\_\_ If so, When: \_\_\_\_\_

d. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? \_\_\_\_\_

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. \*\*In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

**PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:**

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; No
2. Whether the requested area variance is substantial; No
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; No
4. Whether the alleged difficulty was self-created. It was self-created for the purpose of signage.

\*\*After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

When in the retail business, every little bit helps.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section 35, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			63 s.f.
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

See attached drawing.  
The sign is part of awning in front of the  
building that displays our name +  
street number.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 96 s.f.?

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_

- (b) Describe in detail the proposal before the Board:

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

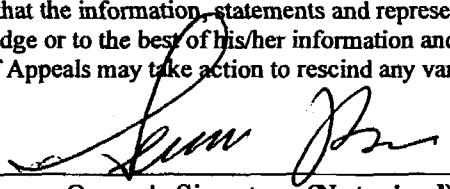
) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

26<sup>th</sup> day of November 20 07.

  
Owner's Signature (Notarized)

Seymour Borden  
Owner's Name (Please Print)

LISA M. KENT

Notary Public, State of New York

Registration No. 01KE6105060

My Commission Expires Feb. 2, 2008

  
Signature and Stamp of Notary

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



## **COUNTY OF ORANGE**

**EDWARD A. DIANA**  
COUNTY EXECUTIVE

## **DEPARTMENT OF PLANNING**

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533  
[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)

**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER

### **ORANGE COUNTY DEPARTMENT OF PLANNING** **239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

**Local File #** 08-02

**Referred by:** Town of New Windsor ZBA

**Reference/County ID No.:** NWT02-08M

**Applicant:** Seymour Borden (Carpet Mill Outlet)

**County Tax ID:** S: 35 B: 1 L: 54.12

**Proposed Action:** Area Variance for sign

**Reason for Review:** Within 500 Ft of NYS Route 32

**Date of Full Statement:** January 7, 2008

#### **Comments:**

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter

**County Recommendation:** Local Determination

**Date:** January 9, 2008

**Prepared by:** Todd Cohen

  
**David Church, AICP**  
Commissioner of Planning

**IMPORTANT NOTE:** As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



## REPORT OF FINAL LOCAL ACTION

**To: Orange County Department of Planning**  
124 Main Street  
Goshen, NY 10924

**From:**

**Date:**

**Subject: GML 239 Referral ID# NWT02-08M**  
**Name of project: BORDEN AV 35-1-54.12**

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

\_\_\_\_\_ Our local board **approved** this action on \_\_\_\_\_.

\_\_\_\_\_ Our local board **approved** this action **with modifications** on \_\_\_\_\_.  
Briefly, the modifications consisted of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Our local board **disapproved** this action on \_\_\_\_\_.  
Briefly, the reasons for disapproving this action were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The proposal was **withdrawn**.

Additional space for comments on actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



RESULTS OF Z.B.A. MEETING OF: January 14, 2008

PROJECT: Seymour Border ZBA # 08-02  
P.B.# \_\_\_\_\_



**USE VARIANCE:**

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_  
VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_.

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_.

*Not in attendance*

AGENDA DATE: \_\_\_\_\_